Review of Bay Fill Projects

Several controversial projects authorized by the Commission over the years required unique interpretations of the Commission's law and policies and may be helpful in identifying the outer bounds of the Commission's authority, and how its current authority measures up to the challenge of rising sea level.

San Francisco Waterfront: Fill for Water-Oriented or Public Trust Use

Mills Piers 27-31 Proposal (no permit issued-several Commission briefings)

Brief Description: Historic restoration of Piers 29 and 31, 320,000 square feet of office, retail and restaurants, a 110,000-square-foot YMCA, parking, open space and a sailing and boating basin.

Issues: Fill for Public Trust Use, e.g., is 320,000 sq. ft. of office a trust use in the context of the overall project

Piers 30-32

Brief Description: Partial reconfiguration and structural upgrade of Pier 30-32, a two-level, 100,000 square-foot cruise terminal and two pier-side berths, 370,000 square feet of office space for maritime and other private business, 220,000 square feet of retail/entertainment space, including neighborhood-serving retail, restaurants, a six-screen cinema, open space, including plazas, terraces, aprons.

Issues: Fill for Public Trust Use, e.g., is 370,000 sq. ft. of office a trust use in the context of the overall project

Pier redevelopment, Rising Sea Level and Protecting the San Francisco Waterfront

Brief Description: N/A

Issues: How will the Commission address fill on piers for long term uses as sea level rises, and will considerable fill be needed to protect downtown San Francisco

Salt Pond

West Point Marina – Redwood City

Brief Description: 416-berth marina in a 26.6-acre water basin, 40 percent of which is open water, with a fuel dock and transient/guest and passenger loading/unloading docks. 23.4 acres of upland uses: boatyard and marine services, restaurants, yacht club, rowing center, botique hotel and other businesses.

Issues: What constitutes maximum open water in a development in a salt pond? The Commission considered habitat values and the quantity of open water in its decision.

Bayfront Park-Menlo Park

Brief Description: Fill 69 acres of a salt pond for expanding a garbage dump, with 7.5 acres of adjacent wetland restoration, $150K to Peninsula Open Space Trust for land acquisition and creation of a regional park atop the landfill required.

Issues: Mitigation for salt pond fill, use

Public Access

Airport Boulevard Burlingame

Brief Description: Fill: 1.92 acres of Bay for landfill leachate barrier with public access atop it; and 2.86 acres to create shellfish habitat (as mitigation for shellfish habitat covered by the

Issues: Habitat Displacement,

Brooklyn Basin

Brief Description: Approximately 3,300 dwelling units and 22 acres of public access with three acres of net fill. Fill for public access, living shoreline protection, and seismically retrofit existing structures over the Bay. 0.76 acres of solid fill for a public plaza, 0.84 acres of pile-supported fill for public promenades on the north and south sides of Clinton Basin, seismic repair of 0.53 acres of pile supported fill for public access and fill for shoreline protection

Issues: Minimum fill necessary, Mitigation

USS Hornet - Alameda

Brief Description: Extended or permanent mooring the USS Hornet in the Bay as a museum and public gathering place. 2.3 acres (100,660 square feet) of floating and cantilevered fill to moor the USS Hornet and 2.4 acres (103,454 square) of public access primarily on Pier 3 and along Ferry Point. Up to four times a year, public access to the 90,000-square-foot flight deck

Issues: Minor fill for public access. The Commission found that there were essentially two ways to interpret minor fill: (1) a small quantity of fill; or (2) a somewhat larger quantity of fill, but small when compared to other similar types of fill. This ship was 8 times as large as any other historic ship the Commission had permitted for long term mooring, but aircraft carriers are large.

Beneficial Reuse of Dredge Material

Montezuma Wetlands

Brief Description: Restoration and enhancement of wetlands via engineered placement of approximately 17.5 million cubic yards (cy) of suitable dredged sediment to raise the subsided site to elevations appropriate for restoration of

1,628 acres of tidal marsh. The Project will also restore or enhance 249 acres of other types of wetland habitats without using dredged material, including subtidal channel habitat, seasonally wet depressions at the upland edge of the high intertidal marsh, and fluvial hollows

Issues: Is the dredged material suitable for aquatic disposal

Middle Harbor Enhancement

Brief Description: A 180-acre subtidal habitat restoration located at the western end of the Oakland Harbor Channel. When completed, the MHEA will restore shallow water habitat and provide habitat enhancement, including eel grass.

Issues: Large in-Bay beneficial reuse, Bay Plan amendment, project completion

Sonoma Creek San Pablo Bay National Wildlife Refuge:

Brief Description: Enhance tidal circulation and drainage for a 284-acre section of marsh, and increase the diversity of existing habitats within the marsh by dredging a new central tidal channel (connecting the marsh to San Pablo Bay and lower Sonoma Creek) and a series of small tidal channels and placing dredge material to construct: (1) marsh mounds and upland refugia for wetland dependent species; (2) filling and raising low--lying ponded areas to marsh plain elevation; and (3) a 10- acre habitat ramp transitioning from marsh plain elevations to upland.

Issues: Does the project constitute minor in-Bay fill to improve habitat using dredge material?

Mitigation

The Commission has required mitigation for larger fills placed in its Bay, certain waterway, salt pond and managed wetland jurisdictions. As the Commission considers applications for fill in the Bay for adaptation, it will need to apply its mitigation policies to these proposals. Typically the Commission has not required mitigation for Bay fill for habitat. The Commission has required mitigation for fill for flood protection. If large fills are proposed, the cost of mitigation could be high, creating potential barriers to communities seeking to adapt their shorelines to be resilient.